

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

May 24, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

C061150 AMERICAN NURSES ASSOCIATION et al. v. JACK O'CONNELL, as Superintendent of Public Instruction, etc., et al.; AMERICAN DIABETES ASSOCIATION, INC.

Cause called. Dennis Peter Maio argued for intervener and appellant. Robin B. Johansen argued and Pamela Allen appeared only for appellant. Maureen Cones argued and Carrie L. Bonnington appeared only for respondent. Cause submitted.

At 10:15 a.m., the court recessed. At 10:17 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

C062306 KIRBY et al. v. IMMOOS FIRE PROTECTION, INC.

Cause called. Ellyn L. Moscowitz argued for appellant. Jimmie E. Johnson argued and Robert L. Rediger appeared only for respondent. Cause submitted.

At 10:47 a.m., the court recessed. At 10:47 a.m., the court reconvened.

C060412 MARIA v. APPLE, INC., et al.

Cause called. Peter M. Hart argued and Kenneth H. Yoon appeared only for appellant. Lynne C. Hermle argued and Jessica Perry appeared only for respondents. Cause submitted.

At 10:51 a.m., the court recessed. At 10:58 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Hull, Associate Justice.

C060965 SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. M.W. etc., et al.

Cause called. Anthony V. Smith, Esq., argued and Doris F. Bostick appeared only for appellants. Janine Molgaard argued for respondent. Cause submitted.

At 11:16 a.m., the court recessed. At 11:17 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

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C062092 BUSH v. STEELE et al.

Cause called. Beverly Ann Bush argued in pro. per. for cross-defendant and appellant. David C. Winton argued for cross-complainants and respondents. Cause submitted.

At 11:25 a.m., the court recessed until 9:30 a.m., Monday,
June 21, 2010.

**C061731 THE PEOPLE v.
DONALD LEE NELSON**

(Not For Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.
 Sims, J.

**C062192 THE PEOPLE v.
DUANE LEE BROWN**

(Not For Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Nicholson, J.
 Raye, J.

**C063018 THE PEOPLE v.
KEVIN BRYAN SPENCE**

(Not For Publication)

The judgment (order revoking probation) is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.
 Hull, J.

C059721 MADDEN v. DEL TACO, INC.

(Not For Publication)

The purported appeal from the order denying a new trial is dismissed. (See fn. 3, *ante*.) The judgment and the order denying the motion for JNOV are affirmed. Del Taco shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1), (2).)

BUTZ, J.

We Concur: Nicholson, Acting P.J.
 Raye, J.

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**C059553 Guardianship of V.M., a Minor.; (Not For Publication)
CAROL B. et al. v. TERRY D.**

The order appointing petitioners as V.M.'s permanent guardians is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.
Robie, J.

**C061003 Estate of RUSSELL A. MORSE, Deceased.; (Not For Publication)
ROYE v. WRIGHT et al.**

**C061003 Estate of JUNE C. MORSE, Deceased.;
ROYE v. WRIGHT et al.**

The orders are vacated and the matter is remanded to the probate court to reconsider the merits of the petitions in light of the objections of Wright and Douglas. Wright and Douglas are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1) & (a)(2).)

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.
Butz, J.

**C062696 In re A.J. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. M.R. et al.**

The orders of the juvenile court are affirmed.

SCOTLAND, P.J.

We Concur: Sims, J.
Butz, J.

May 25, 2010

**C057537 THE PEOPLE v. (Not For Publication)
DONALD GENE KESTER**

The judgment is modified... As modified, the judgment is affirmed. ...

RAYE, J.

We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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May 25, 2010, Continued

**C057666 THE PEOPLE v. (Certified For Partial Publication)
JOSHUA WAYNE WEDDLES**

Defendant's 10-year firearm enhancement on count 2 is corrected to reflect a term of three years four months. ... In all other respects, the judgment is affirmed. ...

SIMS, Acting P.J.

We Concur: Nicholson, J.

Butz, J.

**C060439 THE PEOPLE v. (Not For Publication)
JAMES VONTELLE MOPPINS**

The \$100 administrative collection fee referenced in the abstract of judgment shall be stricken from the abstract of judgment. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Butz, J.

**C062841 THE PEOPLE v. (Not For Publication)
STEVEN EDWARD GARCIA**

The judgment is reversed and the matter is remanded for the limited purpose of taking defendant's admission and reimposing the agreed sentence. ...

RAYE, J.

We Concur: Blease, Acting P.J.

Hull, J.

**C062932 THE PEOPLE v. (Not For Publication)
TARA DANIELLE NELSON**

The judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.

Hull, J.

C063011 THE PEOPLE v. VINCENTE LOPEZ (Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.

Hull, J.

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May 25, 2010, Continued

- C063109 THE PEOPLE v. (Not For Publication)**
SIN CHIO SAECHAO
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.
- C062261 In re S.S.; THE PEOPLE v. S.S. (Not For Publication)**
The restitution order is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.
- C064118 R.W. et al. v. SUPERIOR COURT OF (Not For Publication)**
BUTTE COUNTY; BUTTE COUNTY
DEPARTMENT OF EMPLOYMENT
AND SOCIAL SERVICES et al.
The petition for extraordinary writ is granted in part and denied in part.
...
The stay heretofore issued by this court is vacated.
BLEASE, Acting P.J.
We Concur: Raye, J.
Hull, J.

May 26, 2010

- C060667 THE PEOPLE v. (Not For Publication)**
SEAN PATRICK DAY
The judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C063393 THE PEOPLE v. (Not For Publication)**
JASON ADAM HOLTMAN
The judgment is affirmed. The superior court is directed to amend the abstract of judgment to reflect the aggregate sentence imposed on September 14, 2009. A certified copy of the amended abstract of judgment is to be forwarded to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Scotland, P.J.
Sims, J.

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- C060793 VAZIRI v. LIPTRAP (Not For Publication)**
The judgment is affirmed. Respondent shall recover his costs on appeal.
(Cal. Rules of Court, rule 8.278 (a)(1), (2).)
BUTZ, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C061445 In re J.L.; THE PEOPLE v. J.L. (Not For Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.

May 27, 2010

- C061218 THE PEOPLE v. (Not For Publication)**
JOSEPH BOWMAR ROGERS
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C061353 THE PEOPLE v. GONZALO GARIBAY (Not For Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C062371 THE PEOPLE v. (Not For Publication)**
CHRISTOPHER GARCIA
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C062699 THE PEOPLE v. (Not For Publication)**
EDDIE LEE WANDICK
The judgment is affirmed.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.

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C059444 FRAZIER et al. v. (Not For Publication)
GREENWELL et al.

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Blease, J.

Sims, J.

C060575 CANN v. OROVILLE UNION (Not For Publication)
HIGH SCHOOL DISTRICT

The judgment is affirmed. The District shall recover costs on appeal.
(Cal. Rules of Court, rule 8.278 (a)(1).)

RAYE, J.

We Concur: Sims, Acting P.J.

Nicholson, J.

C057537 THE PEOPLE v. (Not For Publication)
DONALD GENE KESTER

THE COURT:

It is ordered that the opinion filed herein on May 25, 2010, be modified...

The judgment is affirmed.

This modification changes the judgment.

BY THE COURT:

NICHOLSON, Acting P.J.

Raye, J.

Cantil-Sakauye, J.

May 28, 2010

C059911 THE PEOPLE v. (Not For Publication)
DAVELA LEONE CANNON, SR.

The judgment is reversed.

NICHOLSON, J.

I concur: Raye, J.

I concur in the judgment and in 99 percent of the majority opinion. ... The
judgment is properly reversed.

Sims, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

May 28, 2010, Continued

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| C060145 | THE PEOPLE v.
MICHAEL JOHN JOYCE
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Raye, J. | (Not For Publication) |
| C063259 | THE PEOPLE v.
GARY TROY O'NEAL
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Raye, J. | (Not For Publication) |
| C063246 | In re A.S.; SHASTA COUNTY
DEPARTMENT OF SOCIAL SERVICES
v. J.Z.
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Hull, J. | (Not For Publication) |
| C057722 | THE PEOPLE v. ANEUDAE WATSON
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J. | |
| C058038 | BENHAM v. SENATOR FORD, INC.
BY THE COURT:
Appellant's petition for rehearing is denied.
BLEASE, Acting P.J. | |